

April 30, 2015

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VIA HAND DELIVERY & ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Kris Anne Monteith
Acting Chief, Consumer and Governmental
Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Confidentiality Request for Ex Parte Written Communication Regarding Petition for Declaratory Ruling on Ultratec's Obligation to License IP CTS-Related Patents to TRS Providers, CG Docket Nos. 03-123 & 13-24.

Dear Ms. Dortch and Ms. Monteith:

Pursuant to Exemption 4 of the Freedom of Information Act ("FOIA") and the rules of the Federal Communications Commission ("FCC" or "Commission"), CaptionCall, LLC and Sorenson Communications, Inc. (together, "CaptionCall"), hereby requests confidential treatment for documents that CaptionCall is producing as part of its Ex Parte Written Communication Regarding Petition for Declaratory Ruling on Ultratec's Obligation to License IP CTS-Related Patents to TRS Providers, filed today, April 29, 2015 ("Response"). The Response contains company-specific, confidential and/or proprietary commercial information and financial data that are protected from disclosure by FOIA Exemption 4 and the Commission's rules protecting information that is not routinely available for public inspection and that would customarily be guarded from competitors.

Pursuant to 47 C.F.R. §§ 0.457(d) and 0.459 & , CaptionCall provides the following information:

1. *Identification of the specific information for which confidential treatment is sought.* CaptionCall requests that all of the proposed redacted information in the Response be treated as

confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential commercial, financial, and other information not routinely available for public inspection. The Response contains company-specific, competitively sensitive, confidential and proprietary commercial information concerning CaptionCall's internal operations that would not routinely be made available to the public, and customarily would be guarded from competitors. If such information were disclosed, CaptionCall's competitors could use it to determine CaptionCall's competitive position and performance, and could use that information to gain a competitive advantage over CaptionCall.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* This information is being submitted to you pursuant to CaptionCall's Petition for Declaratory Ruling filed Nov. 19, 2014 and subject to Public Notice, CG Dkt. Nos. 03-123 & 13-24, DA 14-1709 (CGB rel. Nov. 25, 2014).

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Response is sensitive information regarding CaptionCall's operations. This is company-specific, competitively sensitive, confidential and proprietary, and commercial. This information can be used to determine information about CaptionCall's operations and is sensitive for competitive and other reasons. If this information were not protected, CaptionCall's competitors could use it in an effort to compete unfairly with CaptionCall's business.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates to the provision of IP CTS, which is subject to vigorous competition. If the information is not protected, CaptionCall's competitors will be able to use it to their unfair competitive advantage.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Because this type of information is not subject to public inspection and is guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because CaptionCall's competitors could assess aspects of its operations and could use that information to undermine CaptionCall's competitive position.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Response is not readily available to the public. CaptionCall routinely treats this information as confidential and/or proprietary. CaptionCall assiduously guards against disclosure of this information to others.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* CaptionCall requests that the redacted information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The confidential information contained in the Response would, if publicly disclosed, enable CaptionCall's competitors to gain an unfair competitive advantage. Under applicable Commission and federal court precedent, the information provided by CaptionCall on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question clearly satisfies this test.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael B. DeSanctis", with a stylized flourish at the end.

Michael B. DeSanctis

Counsel for CaptionCall, LLC and Sorenson Communications, Inc.